

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-cv-307-BO

QUANCIDINE HINSON-GRIBBLE,)
)
Plaintiff,)
)
v.)
)
TOWN OF CAROLINA BEACH, et al.,)
)
Defendants.)

ORDER

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge Robert T. Numbers, II. [DE 13]. On August 26, 2019, Judge Numbers recommended that plaintiff be permitted to proceed *in forma pauperis* and that her claims be dismissed. *Id.* No objections to the M&R have been filed and the matter is ripe for review. For the reasons that follow, the M&R [DE 13] is ADOPTED and plaintiff's complaint is DISMISSED for lack of subject-matter jurisdiction. Plaintiff's outstanding motions for entry of default [DE 3, 4, 5, 6, 7] and default judgment [DE 8, 9, 10, 11, 12] are DENIED as moot. Additionally, defendants' motion to dismiss [DE 24] is DENIED as moot.

BACKGROUND

In July 2019, plaintiff filed a *pro se* application to proceed *in forma pauperis* under 28 U.S.C. § 1915. Plaintiff alleges breach of contract because defendants—the Town of Carolina Beach, Carolina Beach's Parking Office, its mayor, assistant town manager, and police chief—have not permitted her to sleep in her car at the beach despite her purchase of a Freeman Park Yearly Pass.

In August 2019, Judge Numbers entered the instant memorandum and recommendation (M&R), granting plaintiff's application to proceed *in forma pauperis* and recommending that plaintiff's claims be dismissed for lack of subject-matter jurisdiction. [DE 13]. Plaintiff did not timely file a response to the M&R.

DISCUSSION

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No party has objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and recommendation is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Numbers [DE 13] is ADOPTED and plaintiff's complaint is DISMISSED WITHOUT PREJUDICE. Plaintiff's outstanding motions for entry of default [DE 3, 4, 5, 6, 7] and default judgment [DE 8, 9, 10, 11, 12] are DENIED as moot. Additionally, defendants' motion to dismiss [DE 24] is DENIED as moot.

SO ORDERED, this 16 day of October, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE